

At an IAS Term of the Supreme Court of the State of New York, held in and for the County of Sullivan, at the Sullivan County Courthouse located at 414 Broadway, Monticello, New York, on the 26 day of ~~July~~ June, 2007.

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MOTION

Present: Honorable **MARK M. MEDDAUGH**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

ARON FIXLER; MATEH EPHRAIM, LLC d/b/a,
KOLEL MATEH EFRAIM, LLC

Index No.: 1952-07

Plaintiffs,

ORDER TO SHOW CAUSE

- against -

HELEN-MAY HOLDINGS, LLC and IRENE GRIFFIN

Defendants.

Upon reading and the filing of the affidavit of Jack Lefkowitz sworn to on the 25th day of June, 2007; the Memorandum of Law of Carol C. Pierce, Esq. dated the 25th day of June, 2007 and upon the Summons and Verified Complaint and the contract agreement for the sale of real property attached hereto and upon all the exhibits attached thereto and all the pleadings and proceedings heretofore had herein; and upon the Plaintiffs' application for a preliminary injunction and temporary restraining order against the Defendants Helen-May Holdings, LLC and Irene Griffin; and that sufficient cause having been shown, it is hereby

ORDERED, that the Defendants Helen-May Holdings, LLC and Irene Griffin show cause at an IAS Term of this Court to be held at the Sullivan County Courthouse, 414 Broadway, Monticello, New York on the 2nd day of July, 2007 at 10:00 O'clock in the forenoon of that day or as soon thereafter as counsel can be heard, why an Order should not be entered herein pursuant to CPLR 6301 for a preliminary injunction pending the determination

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1. Enjoining the Defendants Helen-May Holdings, LLC and Irene Griffin from trespassing on the Plaintiffs' premises for the purposes of disturbing or in any way interfering with the Plaintiffs' right to do business and operate a boy's summer camp at the premises which is the subject of the contract of sale and occupancy agreement located at 1141 County Road 114, Fosterdale, New York; known on the Tax Maps as Section 1, Block 1, Lot 39.1, Town of Cohecton, Sullivan County, State of New York.

2. From threatening, menacing or doing any acts of violence or interferences to the Plaintiffs and their guests and invitees;

and it is further

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~~ORDERED~~ that pending the hearing of this motion for preliminary injunction and pursuant to CPLR 6313, the Defendants Helen-May Holdings, LLC and Irene Griffin be and hereby are enjoined and restrained from taking any steps or actions with reference to interfering with the Plaintiff's ability to conduct business on the described premises as set forth in the preceding decretal paragraph; and

It further appearing that the Defendants Helen-May Holdings, LLC and Irene Griffin are intending to commence an action in the Justice Court of the Town of Cohecton, County of Sullivan, State of New York pursuant to Article 7 of the Real Property Actions and Proceedings Law as petitioners, seeking to remove Plaintiffs as Vendees in possession, and it further appearing that there are common issues of law and fact being brought to this Court by Plaintiffs' action for specific performance, reformation and to impress a constructive trust on the real property and Plaintiffs' right to possession and ownership of the premises; and
It further appearing that it would be in the best interests for judicial economy

and ~~due to common issues of law and fact that any action in local court be enjoined or if commenced, be consolidated with this action, that such action be enjoined pending a hearing on this motion and sufficient reason appearing therefore, it is further~~

ORDERED ~~that action sought to be commenced or if commenced, seeking to remove the Plaintiff from the real property by way of summary proceedings be and the same is enjoined if not yet commenced and if commenced, stayed until the entry of an order deciding this part of this motion; and, sufficient reason appearing therefore it is~~

FURTHER ORDERED that service of the summons and complaint and a copy of this Order and a copy of the papers upon which the same was made be made by personal service upon the Defendants Helen-May Holdings, LLC and Irene Griffin on or before the

28th ^{June} day of ~~July~~, 2007.

ENTER

Helen M. Holdings
Hon. J.S.C.